

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:11-CR-00229-F-1

UNITED STATES OF AMERICA

v.

BARRY LEE MILLER,

Defendant.

)  
)  
)  
)  
)  
)

**ORDER**

This matter is before the court on Defendant's *pro se* Motion for Modification of Restitution Payment Schedule [DE-593]. Defendant seeks an order modifying his restitution payment schedule. *Id.* at 1.

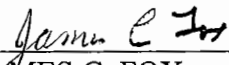
At sentencing, this court ordered Defendant to pay a special assessment of \$100.00 and restitution in the amount of \$4,753.00. *See* Judgment [DE-351] at 5. It was ordered that the special assessment and restitution were "due in full immediately," and if not paid in full, to be paid through the Inmate Financial Responsibility Program ("IFRP"). *Id.* at 6.

Defendant is specifically challenging the payments he is being required to make through the IFRP, a program which is administered by the Bureau of Prisons. A defendant making such a challenge must first exhaust his administrative remedies. *See Urbina v. Thoms*, 270 F.3d 292, 295 n.1 (6th Cir. 2001) (noting that "the Bureau of Prisons should be given the opportunity to consider the application of its policy . . . before the matter is litigated in the federal courts.") Defendant's motion does not indicate that he has exhausted his administrative remedies.

In light of the foregoing, Defendant's *pro se* Motion for Modification of Restitution Payment Schedule [DE-593] is DENIED.

SO ORDERED.

This, the 1 day of February, 2017.

  
\_\_\_\_\_  
JAMES C. FOX  
Senior United States District Judge